

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Joel Vangheluwe and Jerome
Vangheluwe,

Plaintiffs,

v.

GotNews, LLC, Freedom Daily,
LLC, Charles C. Johnson, Alberto
Waisman, Jeffrey Rainforth, Jim
Hoft, David Petersen, Jonathan Spiel,
Shirley Husar, Eduardo Doitteau,
Lita Coulthart-Villanueva, Kenneth
Strawn, Patrick Lehnhoff, Beth
Eyestone, Lori Twohy, Raechel
Hitchye, James Christopher Haste,
Christopher Jones, Connie Comeaux,
Gavin McInnes, Richard Weikart,
and Paul Nehlen,

Defendants.

Case No. : 2:18-cv-10542-LJM-EAS

**PLAINTIFFS' STATUS REPORT REGARDING THEIR CONFERENCE
WITH DEFENDANTS GOTNEWS AND CHARLES JOHNSON**

Plaintiffs, Joel Vangheluwe and Jerome Vangheluwe, hereby file the following report in accordance with this Court's May 16, 2018 Order.

I. DEFENDANTS FAILED TO COOPERATE ON A JOINT REPORT

Plaintiffs recognize that the Court ordered this report to be a Joint Report. Plaintiffs have diligently attempted to confer with Defendants GotNews and Charles

Johnson on this Joint Report. Unfortunately, Defendants have not provided any input in this report despite Plaintiffs' attempt to obtain input. *See Exhibit A*.

Instead, Plaintiffs have received either insults from Defendants' counsel or missed estimates on when Defendants' responses would be forthcoming (*see Exhibit A*).

Since Defendants GotNews and Charles Johnson have not complied with this Court's Order, Plaintiffs are filing this separate report.

II. DEFENDANTS' CONFERENCE WITH PLAINTIFFS WAS IN BAD FAITH

The parties conferred on Tuesday, May 22, 2018, as required by the Court's May 16, 2018 Order. Counsel for Plaintiffs and counsel for Defendants spoke by phone for approximately 30 minutes. The conversation was followed up with email exchanges. *See Exhibits A and B*. The Motions were discussed at length. However, Plaintiffs have requested information that supports Defendants' assertions during this discussion. Defendants do not agree.

A. DEFENDANTS' CONTENTIONS ARE UNSUBSTANTIATED: GOTNEWS, LLC AND CHARLES C. JOHNSON

Defendants stated that any statements that were made by GotNews were based off of "public records." *See Exhibit B*. As a result, Defendants are entitled to a defense from those public records. Defendants also assert that Charles Johnson is

not the author of the article at issue, but claim they will not or cannot reveal the identity of the author. *Exhibit B*. Defendants also claim that there is improper venue. Finally, Defendants' claim Defendants' speech is protected by the California Anti-SLAPP Statute.

Defendants contend they do not need to provide the information to Plaintiffs, and that Plaintiffs' request rises to the level of a "tantrum." *See Exhibit B*.

B. PLAINTIFFS' CONTENTION: PLAINTIFFS' NEED A MORE "MEANINGFUL DISCUSSION" FROM DEFENDANTS

In order to have a meaningful discussion of the merits of Defendants' motions, Plaintiffs must see the basis of Defendants' assertion. Defendants have yet to provide Plaintiffs with the identity of the author. *Exhibit B*. Plaintiffs need this information to evaluate Defendants' contention. Plaintiffs continue to urge Defendants to reveal the author's identity.

In addition, Defendant GotNews claims that it relied on a "public record," which indicated that Plaintiff was the owner of the car used in the terror attack at the time of the incident in question. *Exhibit A*. Defendants refuse to send this "public record," but rather sent a Wikipedia page describing 4chan – an anonymous internet forum website. *Exhibit A*. Plaintiffs continue to urge Defendants to produce the documents which they claim as a public record that exculpates them.

Plaintiffs believe this Court ordered the parties to have a “meaningful discussion.” See this Court’s Order of May 16, 2018. The purpose of the Order was to “advance judicial efficiency.” *Id.* In order to have a meaningful discussion, Plaintiffs must see the basis of Defendants’ contention. This would include the alleged identity of the author of the article and the “public record” Defendants claim to rely upon. Obviously, such information may advance judicial economy and allow the parties to have a meaningful discussion.

Plaintiffs are opposed to Defendants’ motions. Plaintiffs’ contend Michigan is a proper venue and Michigan law should apply to this incident.

III. SETTLEMENT

Joel Vangheluwe has not settled his claims against Defendant GotNews. It is unlikely a settlement will be reached. No additional time for settlement discussion is necessary.

Plaintiff Joel Vangheluwe has accepted Defendant Charles Johnson’s offer of judgment. Plaintiff Jerome Vangheluwe has accepted both Defendants Got News’ and Charles Johnson’s offer of judgment.

IV. CONFERENCE WITH COURT

Plaintiffs have been faced with insults and anger from counsel for Defendants when Plaintiffs’ counsel has attempted to follow this Court’s Order. Plaintiffs have

attempted to confer in good faith, but Defendants would not, in good faith, reveal the basis of their Motions.

Plaintiffs request a conference with the Court to receive guidance.

Respectfully submitted,

SOMMERMAN, McCAFFITY
& QUESADA, L.L.P.

/s/ Andrew B. Sommerman

Andrew B. Sommerman*

ATTORNEYS FOR PLAINTIFFS

Texas State Bar No. 18842150

3811 Turtle Creek Blvd., Suite 1400

Dallas, Texas 75219

214/720-0720 (Telephone)

214/720-0184 (Facsimile)

andrew@textrial.com

*Admitted to the Eastern District of
Michigan

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned certifies that on June 20, 2018, the foregoing Plaintiffs' Status Report was served via ECF on counsel of record who have appeared in the case.

Furthermore, on June 20, 2018, I affirm that I placed true and accurate copies of this document in First Class postage-prepaid, properly addressed, and sealed envelopes which were addressed to: Lita Coulthart-Villanueva, [REDACTED] Jeffries St., Anderson, CA [REDACTED] and Kenneth G. Strawn, [REDACTED] Cypress Lane, Mission Viejo, CA [REDACTED].

/s/ Andrew B. Sommerman

Andrew B. Sommerman